

ADAM PAUL LAXALT  
Attorney General  
BENJAMIN R. JOHNSON  
Deputy Attorney General  
Nevada Bar No. 10632  
Bureau of Litigation  
Public Safety Division  
100 N. Carson Street  
Carson City, NV 89701-4717  
Tel: (775) 684-1254  
E-mail: BJohnson@ag.nv.gov

*Attorneys for Defendants  
Colette Ball, Bruce Bannister, Giovanni  
Capra, James "Greg" Cox, Jon Garner,  
Dawn Jones, and Joon Lee*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL TODD SANZO,  
  
Plaintiff,  
  
vs.  
  
JAMES G. COX, et al.,  
  
Defendants.

Case No. 3:14-cv-00030-RCJ-WGC

**MOTION TO CONTINUE TRIAL**

Defendants, Colette Ball, Bruce Bannister, Giovanni Capra, James "Greg" Cox, Jon Garner, Dawn Jones, and Joon Lee, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General, hereby move to continue the trial date set for this matter. This Motion is brought pursuant to LR 6-1 and is based upon the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Defendants seek a continuance of the trial date in this matter, as Defendants have filed a motion for summary judgment that has not yet been fully briefed by the parties or submitted to the Court for consideration and decision. The Court issued an order setting trial to begin on June 29, 2015, at 9:00 a.m. and set a calendar call for June 22, 2015. (#36).

1 **II. LEGAL STANDARD AND ARGUMENT**

2 District courts have inherent power to control their dockets. *Hamilton Copper & Steel*  
 3 *Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d  
 4 272, 273 (9th Cir. 1992).

5 Defendants request this trial continuance based upon the outstanding motion for  
 6 summary judgment filed by Defendants on May 8, 2015. It is unlikely that the motion for  
 7 summary judgment will be fully briefed before the date set for trial. It would be in the best  
 8 interest of judicial economy to continue the trial until the motion has been ruled upon because  
 9 it has the potential to narrow the legal issues and/or eliminate some of the defendants from  
 10 the case. Furthermore, the parties cannot prepare a Joint Pretrial Order until the Court  
 11 determines whether to grant judgment to any of the Defendants.

12 Defendants would respectfully request that the Court set this matter for a trial date and  
 13 a trial schedule after the Magistrate Judge has issued a Report and Recommendation on  
 14 Defendants' Motion for Summary Judgment and the Court enters an order adopting or  
 15 rejecting that recommendation.

16 Defendants assert that this motion is brought in good faith and not for the purpose of  
 17 delaying this matter.

18 **III. CONCLUSION**

19 Based upon the foregoing, Defendants respectfully request that the Court continue the  
 20 trial currently set for June 29, 2015.

21 **ORDER**

22 IT IS HEREBY ORDERED that the Motion to Continue Trial (ECF #62) is GRANTED.  
 23 IT IS FURTHER ORDERED that the Calendar Call is set for 10:00 A.M., Tuesday,  
 24 October 13, 2015 and the Jury Trial is set for 8:30 A.M., Monday, October 26, 2015.

25 IT IS SO ORDERED this 16th day of June, 2015.

26   
 27 ROBERT C. JONES  
 28

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada,  
and that on this 19<sup>th</sup> day of May, 2015 I caused to be served a copy of the foregoing **MOTION**

**TO CONTINUE TRIAL**, by U.S. District Court CM/ECF Electronic Filing to:

Luke Busby, Attorney for Plaintiff  
Luke Andrew Busby, Ltd.  
216 East Liberty Street  
Reno, NV 89501  
luke@lukeandrewbusbyltd.com



\_\_\_\_\_  
An employee of the  
Office of the Attorney General